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7 The Honorable John C. Coughenour
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW ADAMS, GLENN CRESPO,
CONNOR DAY, KATIE GAN, and
SOLEDAD PICON,
Plaintiffs,
vs.
DAVID BAUER, JACOB BRISKEY,
LINDSAY BROWN, BRUCE CREAMER,
LLOYD HARRIS, STEPHEN KNAPP,
STEPHANIE MARKS, NATHAN
PATTERSON, ADAM THORP, JOHN and
JANE DOES, and THE CITY OF SEATTLE,
Defendants.

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No. 13-CV-338-JCC
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COMES NOW defendant City of Seattle, by and through its attorneys of record, Peter S. Holmes, Seattle City Attorney, Dominique' L. Jinhong, Assistant City Attorney, Brian Maxey, Assistant City Attorney, and hereby submits its Answer and Affirmative Defenses to Plaintiff's Complaint, and alleges as follows:

ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S
COMPLAINT (13-CV-338-JCC) - 1

Peter S. Holmes
Seattle City Attorney
600 Fourth Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124-4769
(206) 684-8200

Preamble

Plaintiffs makes a number of factual assertions in their preamble to the below sections and allegations, to which defendant City of Seattle wholly denies.

I. PARTIES

1.1. Plaintiffs

- 1.1.1. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations set forth, and hereby denies the same.
 - 1.1.2. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations set forth, and hereby denies the same.
 - 1.1.3. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations set forth, and hereby denies the same.
 - 1.1.4. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations set forth, and hereby denies the same.
 - 1.1.5. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the allegations set forth, and hereby denies the same.

1.2 Defendants

- 1.2.1. Defendant admits.
 - 1.2.2. Defendant admits.
 - 1.2.3. Defendant admits.
 - 1.2.4. Defendant admits.
 - 1.2.5. Defendant admits.
 - 1.2.6. Defendant admits.

1 1.2.8. Defendant admits.

2 1.2.9. Defendant admits.

3 1.2.10. Defendant admits.

4 **II. JURISDICTION AND VENUE**

5 2.1. Defendant admits jurisdiction.

6 2.2. Defendant admits venue is proper.

7 **III. FACTS**

8 3.1. Defendant admits.

9 3.2. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
10 allegations set forth, and hereby denies the same.

11 3.3. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
12 allegations set forth, and hereby denies the same.

13 3.4. Defendant denies all allegations.

14 3.5. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
15 allegations set forth, and hereby denies the same.

16 3.6. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
17 allegations set forth, and hereby denies the same.

18 3.7. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
19 allegations set forth, and hereby denies the same.

20 3.8. Defendant denies all allegations.

21 3.9. Defendant denies all allegations.

22 3.10. Defendant denies all allegations.

23 3.11. Defendant denies all allegations.

- 1 3.12. Defendant denies all allegations.
- 2 3.13. Defendant denies all allegations.
- 3 3.14. Defendant denies all allegations.
- 4 3.15. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
5 allegations set forth, and hereby denies the same.
- 6 3.16. Defendant denies all allegations.
- 7 3.17. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
8 allegations set forth, and hereby denies the same.
- 9 3.18. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
10 allegations set forth, and hereby denies the same.
- 11 3.19. Defendant denies all allegations.
- 12 3.20. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
13 allegations set forth, and hereby denies the same.
- 14 3.21. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
15 allegations set forth, and hereby denies the same.
- 16 3.22. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
17 allegations set forth, and hereby denies the same.
- 18 3.23. Defendant lacks sufficient knowledge to form a belief as to the truth or falsity of the
19 allegations set forth, and hereby denies the same.
- 20 3.24. Defendant denies all allegations.
- 21 3.25. The allegations in this paragraph are conclusions of law, not facts warranting a
22 response.
- 23 3.26. Defendant denies all allegations.

1 **IV. CLAIMS**

2 **FIRST CAUSE OF ACTION**
3 (Federal Civil Rights Violation Under 42 U.S.C. § 1983)

4.1. Defendant denies.

4.2. Defendant denies.

4.2.1. Defendant denies.

4.2.2. Defendant denies.

4.2.3. Defendant denies.

4.2.4. Defendant denies.

4.2.5. Defendant denies.

4.2.6. Defendant denies.

4.2.7. Defendant denies.

4.2.8. Defendant denies.

4.2.9. Defendant denies.

4.2.10. Defendant denies.

4.3. Defendant denies.

16 **SECOND CAUSE OF ACTION**
17 (**State Law**)

18 4.4. Defendant denies.

19 **V. RELIEF REQUESTED**

20 Answering plaintiff's last paragraph requesting relief, Defendant denies that Plaintiff is
21 entitled to any of the relief requested in any of the paragraphs identified in ¶¶5.1-5.4 of this section.

22 **AFFIRMATIVE DEFENSES**

23 1. Plaintiffs have failed to state a claim upon which relief may be granted.

2. The City, a municipal corporation, is immune from liability for prejudgment interest on tort judgments and is immune from punitive damages.

3. Defendant City has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of Washington or any political subdivision thereof.

4. At all times relevant to the acts alleged in the complaint, the duties and functions of Defendant City's officials entailed the reasonable exercise of proper and lawful discretion.

5. Plaintiffs' State law claims are barred in whole, or in part, by governmental immunity for discretionary, policy-making, and/or judgmental functions and decisions.

6. Any injury alleged to have been sustained resulted from plaintiff's own culpable or negligent conduct was not the proximate result of any act of the defendants.

7. Plaintiffs failed to mitigate any injury suffered.

8. There was probable cause for plaintiffs' detention and arrest.

9. Exigent circumstances justified entry to non-party Stoffel's curtilage.

10. Any force used against plaintiffs was reasonable.

11. Plaintiffs' intentional tort claims are barred by the applicable statute of limitations.

DATED this 26th day of March, 2013.

PETER S. HOLMES
Seattle City Attorney

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By: s/Brian G. Maxey
Brian G. Maxey, WSBA #33279
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Attorneys for Defendants

ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S
COMPLAINT (13-CV-338-JCC) - 7

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2 CERTIFICATE OF SERVICE
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I, Brian Maxey, certify that on the 26th day of March, 2013, I electronically filed the
Answer of Defendant City of Seattle with the Clerk of the Court using the CM/ECF system,
which will send notification of such filing to the following attorneys of record:

5 Attorneys for Plaintiffs:
6

Timothy K. Ford, timf@mhb.com
David J. Whedbee, davidw@mhb.com

7 Attorneys for Defendants:
8

Dominique Jinhong, dominique.jinhong@seattle.gov
Brian Maxey, brian.maxey@seattle.gov

9 DATED this 25th day of March, 2013.
10

11 s/ Brian Maxey
12 Brian Maxey
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